



Linda S. Adams
Secretary for
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California Regional Water Quality Control Board

Santa Ana Region

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Arnold Schwarzenegger
Governor

August 4, 2009

Lisa Alviso
Department of Transportation ("Caltrans")
3337 Michelson Drive, Suite 380
Irvine, CA 92612

**CLEAN WATER ACT SECTION 401 WATER QUALITY STANDARDS
CERTIFICATION FOR THE STATE ROUTE 22/WEST ORANGE COUNTY
CONNECTION PROJECT, PHASE 2 – EAST SEGMENT, CITIES OF WESTMINSTER
AND GARDEN GROVE, ORANGE COUNTY (CORPS FILE NO. NOT AVAILABLE)**

Dear Ms. Alviso:

On May 28, 2009, we received an application for Clean Water Act Section 401 Water Quality Standards Certification ("Certification"), for the proposed State Route 22/West Orange County Connection Project, Phase 2, in the City of Westminster and Garden Grove, Orange County. This letter responds to your request for certification that the proposed project, described in the application and summarized below, will comply with State water quality standards outlined in the Water Quality Control Plan for the Santa Ana River Basin (1995) and subsequent Basin Plan amendments ("Basin Plan"):

Project Description: Widening of High-Occupancy Vehicle lanes on Interstate 405, from the Interstate 405/State Route 22 interchange, near Valley View Street, to east of Seal Beach Boulevard. The project will include the construction of separate HOV connectors between Interstate 405 and State Route 22. The freeway improvements will include modifications to several local concrete drainage channels located within the interchange. The modifications will involve placing the drainage within underground culverts or widening the channels. The project is located within Section 33 of Township 4 South and Range 11 West of the U.S. Geological Survey *Los Alamitos, California*, 7.5-minute topographic quadrangle map (33 deg. 46 min. 27 sec. N/-118 deg. 02 min. 20 sec. W).

California Environmental Protection Agency



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Receiving Waters: Three un-named, concrete-lined channels, tributary to the Bolsa Chica Channel.

Fill Area: 0.03 acre of permanent impact to ephemeral drainages (505 total linear feet).

Dredge Volume: Not applicable.

Federal Permits: US Army Corps of Engineers Nationwide Permit No. 14.

This certification addresses impacts to water quality standards associated with the dredging or filling of waters of the United States. Construction and post-construction impacts resulting from the project and use of the roadways are addressed by waste discharge requirements issued to the Department of Transportation by the State Water Resources Control Board in Order No. 99-06 DWQ. These requirements include the development and implementation of appropriate Best Management Practices for the purpose of removing construction-related and transportation-related pollutants from discharges from Caltrans' rights-of-way and easements.

The proposed project is subject to a nationwide permit from the U.S. Army Corps of Engineers in compliance with Section 404 of the Clean Water Act. The California Department of Fish and Game has determined that the project is not subject to a Streambed Alteration Agreement under Fish and Game Code Section 1600 *et seq.* Pursuant to the California Environmental Quality Act ("CEQA"), Caltrans certified an environmental impact report for the larger 13-mile long State Route 22/West Orange County Connector Project on March 26, 2003 (State Clearinghouse No. 98064001). Subsequent environmental analysis was provided in an Addendum, dated July 2, 2008 (State Clearinghouse No. 89010410), for the segment that is the subject of this Certification. Pursuant to California Code of Regulations, Title 14, Section 15096, subdivision (f), the Regional Board must consider the environmental effects of the project as shown in the associated environmental documents prior to reaching a decision on the project. The Regional Board has considered Caltrans' environmental documents in the issuance of this Certification and finds that changes or alterations have been required, or incorporated into the proposed project, which avoid impacts to water quality or mitigates them to a less than significant level.



This 401 Certification is contingent upon the execution of the following conditions:

- 1) A copy of this Certification and any subsequent amendments must be maintained on site as a denoted element of the project Storm Water Pollution Prevention Plan(s) ("SWPPP").
- 2) The discharger must comply with the conditions and provisions of the U.S. Army Corps of Engineer's permit(s).

Under California Water Code, Section 1058, and Pursuant to 23 CCR §3860, the following shall be included as conditions of all water quality certification actions:

- (a) Every certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section §13330 of the Water Code and Article 6 (commencing with Section 3867) of this Chapter.
- (b) Certification is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a FERC license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to Subsection §3855(b) of this Chapter and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- (c) Certification is conditioned upon total payment of any fee required under this Chapter and owed by the applicant.

If the above stated conditions are changed, any of the criteria or conditions as previously described are not met, or new information becomes available that indicates a water quality problem, the Regional Board may require the applicant to submit a report of waste discharge and obtain Waste Discharge Requirements.

In the event of any violation or threatened violation of the conditions of this certification, the holder of any permit or license subject to this certification shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. Violations of the conditions of this certification may subject the applicant to civil liability pursuant to Water Code section 13350 and/or 13385.



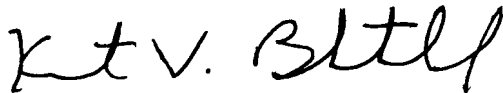
August 4, 2009

This letter constitutes a Water Quality Standards Certification issued pursuant to Clean Water Act Section 401. I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of Sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ (Order No. 2003-0017-DWQ), "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received Water Quality Certification" which requires compliance with all conditions of this Water Quality Standards Certification. Order No. 200-0017-DWQ is available at:

www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0017.pdf

Should there be any questions, please contact Adam Fischer at (951) 320-6363, or Mark Adelson at (951) 782-3234.

Sincerely,



for GERARD J. THIBEAULT
Executive Officer

cc (via electronic message):

U. S. Army Corps of Engineers, Los Angeles Office – Stephanie Hall
State Water Resources Control Board, OCC – David Rice
State Water Resources Control Board, DWQ – Water Quality Certification Unit
California Department of Fish and Game, Ontario Office – Erinn Wilson
U.S. EPA – Supervisor of the Wetlands Regulatory Office WTR- 8

APF: 401/certifications/SR22-west OC connector 302009-19

